
By: **Senator Pipkin**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Dredge Deposits - Creation of Artificial Islands in the Chesapeake Bay -**
3 **Prohibited Use as Part of Management Plan**

4 FOR the purpose of prohibiting the deposit of dredged material to create artificial
5 islands in the Chesapeake Bay from being part of the development or
6 implementation of any plan or program for the management of dredged material
7 or for the protection or development of the Chesapeake Bay; providing for the
8 application of this Act; defining certain terms; and generally relating to the
9 deposit of dredge material in the Chesapeake Bay for the purpose of creating
10 artificial islands.

11 BY adding to
12 Article - Environment
13 Section 5-1102.2
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 8-1808(f)
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2002 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Environment**

24 5-1102.2.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

1 (2) "ARTIFICIAL ISLAND" MEANS ANY NEW ISLAND CREATED OR
2 FORMED BY THE MECHANICAL DUMPING OR DEPOSITING OF DREDGE MATERIAL IN
3 THE CHESAPEAKE BAY.

4 (3) "HISTORICAL NATURAL ISLAND" MEANS A GEOLOGICAL FOOTPRINT
5 OF AN ISLAND THAT ONCE EXISTED IN THE WATERS OF THE CHESAPEAKE BAY AND
6 HAS BEEN SEVERELY DAMAGED OR DIMINISHED DUE TO EXTENSIVE EROSION.

7 (B) (1) THIS SUBSECTION MAY NOT BE INTERPRETED TO PROHIBIT OR
8 RESTRICT THE DEPOSIT OF DREDGED MATERIAL TO RESTORE OR REPAIR A
9 HISTORICAL NATURAL ISLAND.

10 (2) THE DEPOSIT OF DREDGED MATERIAL TO CREATE ARTIFICIAL
11 ISLANDS IN THE CHESAPEAKE BAY MAY NOT BE A PART OF THE DEVELOPMENT OR
12 IMPLEMENTATION OF ANY PLAN OR PROGRAM FOR THE MANAGEMENT OF DREDGED
13 MATERIAL OR FOR THE PROTECTION OR DEVELOPMENT OF THE CHESAPEAKE BAY.

14 **Article - Natural Resources**

15 8-1808.

16 (f) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
17 MEANINGS INDICATED.

18 (II) "ARTIFICIAL ISLAND" MEANS ANY NEW ISLAND CREATED OR
19 FORMED BY THE MECHANICAL DUMPING OR DEPOSITING OF DREDGE MATERIAL IN
20 THE CHESAPEAKE BAY.

21 (III) "HISTORICAL NATURAL ISLAND" MEANS A GEOLOGICAL
22 FOOTPRINT OF AN ISLAND THAT ONCE EXISTED IN THE WATERS OF THE
23 CHESAPEAKE BAY AND HAS BEEN SEVERELY DAMAGED OR DIMINISHED DUE TO
24 EXTENSIVE EROSION.

25 (2) Nothing in this section shall impede or prevent the dredging of any
26 waterway in a critical area. However, dredging in a critical area is subject to other
27 applicable federal and State laws and regulations.

28 (3) (I) THIS PARAGRAPH MAY NOT BE INTERPRETED TO PROHIBIT OR
29 RESTRICT THE DEPOSIT OF DREDGED MATERIAL TO RESTORE OR REPAIR A
30 HISTORICAL NATURAL ISLAND.

31 (II) THE DEPOSIT OF DREDGED MATERIAL TO CREATE ARTIFICIAL
32 ISLANDS IN THE CHESAPEAKE BAY MAY NOT BE A PART OF THE DEVELOPMENT OR
33 IMPLEMENTATION OF ANY PLAN OR PROGRAM FOR THE MANAGEMENT OF DREDGED
34 MATERIAL OR FOR THE PROTECTION OR DEVELOPMENT OF THE CHESAPEAKE BAY.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2003.